


OCT 20 2014

JULIA C. DUNN, CLERK
BY: 
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CHRISTIAN ALLEN MOORE,)	
Plaintiff,)	Civil Action No. 7:14cv00496
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
SHERIFF JACK WEISENBERGER,)	By: Michael F. Urbanski
Defendant.)	United States District Judge

Christian Allen Moore, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Sheriff Jack Weisenberger of the Bristol Virginia City Jail. Moore alleges that his legal mail was opened outside of his presence. Moore states that he filed a grievance regarding his mail and “the Major and the Sheriff both admitted that [his] legal mail was open[ed].” Isolated incidents of mail mishandling do not rise to the level of a constitutional violation. See Buie v. Jones, 717 F.2d 925, 926 (4th Cir. 1983) (finding isolated incidents of opening of legal mail do not state a cognizable § 1983 claim); Davis v. Goord, 320 F.3d 346, 351 (2d Cir. 2003) (noting that “an isolated incident of mail tampering is usually insufficient to establish a constitutional violation”). Moore does not allege that the defendant opened his legal mail and he does not allege that his legal mail was opened outside of his presence on more than one occasion. Accordingly, the court finds that Moore has failed to state a claim against the defendant and, therefore, will dismiss this case without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1).

ENTER: This 20th day of October, 2014.



United States District Judge